Georgetown Law Weekly

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November 14, 1988

Nana Asamoah
Passes Away

BY GRANT LALLY

Former SBA President Nana Asamoah died last Saturday, November 5th, after a struggle with liver cancer. Asamoah was a native of Ghana and served as SBA President for the 1986-87 school year. He graduated in May, 1987.

Asamoah’s illness came upon him rapidly, and his family lives in the isolated village of Kumasi, Ghana. Thanks to the efforts of Georgetown and the SBA, Asamoah’s mother and nephew were located and flown into Washington. They arrived Saturday, November 5, just before he died.

After his death, a memorial service was held at the Law Center chapel, and the funeral was held in Maryland on Friday, November 12.

“The first thing that I remember about Nana was his warm, open, friendly style, always encouraging people to participate,” noted current SBA President Mark Schlaikman, “During his year as SBA President he gave of himself to improve the lot of the SBA as a whole.”

The SBA needs to raise some $2,000 to pay for the airplane tickets from Ghana for Nana’s mother and nephew. Any amounts raised beyond that will go to Nana’s family to offset the considerable medical costs incurred during his illness. The SBA and BLSA co-sponsored a Nana Benefit Show last month, and the SBA is now running a raffle. Tickets are only $2 each, and the drawing will be held on November 30. Tickets can be purchased from any SBA member.

Hurricane Relief

By JOY GOLDBAUM, MICHAEL HERSH & DAN GLUCK

As a result of Hurricane Joan, which hit Central America last month, 300,000 Nicaraguans (1 out of 10) are homeless, cotton and coffee crops have been demolished, and Managua has no electricity or running water. The National Lawyers Guild is organizing an urgent effort with other groups to send emergency aid and donations are needed immediately. All money will buy materials such as building supplies, medicine, blankets, and clothing. Despite an appeal for U.S. aid (with no strings attached), the Reagan administration refuses to help, claiming that the Nicaraguan government cannot be trusted. Such an approach to foreign relief would disqualify every government, including our own, from receiving assistance. In such situations, as the President himself would have it, the charitable instincts of the private sector (this means you) must step forward to do their share.

We urge all students to contribute to this non-political fund drive in the spirit of Thanksgiving. Contributions (checks) can be sent to Operation Nicaragua Hurricane Relief, National Lawyers Guild, 853 Broadway, Room 1705, New York, New York 10003.

Why Dukakis Lost

By DR. JOE SONNEMAN

By the time this issue comes out, we all will have heard more analyses than we care to about why the election turned out as it did, so I’ll try to be both brief and different.

First, Dukakis lost because he was Dukakis. That means, he was independent, beholden to no one.

This independence showed up first at the Democratic convention, where the Duke insisted on ignoring the small ‘d’ democratic process of bottom-up platform building and had Sorensen write an innocuous top-down document. The Party doesn’t do much in this television age, but it can still act to coalesce popular feelings in a form even politicians can understand. Dukakis chose to ignore the Party, so as to remain free of it, but paid for this by being out of touch. Only late in the campaign did he begin using “Town Meetings” to find out what people really wanted, something he had available to him—but discarded—at the convention.

Secondly, Dukakis, running as the primo manager, badly blundered in managing the campaign. First, he tried to run too much himself, while Bush—in contrast—listened to his advisors. This is an early lesson in management schools: to delegate to work through others; Dukakis didn’t do well here.

Second in this category, the Duke showed some unevenness I am being diplomatic here) in handling the disputes between Sasso and Estrich, his two major campaign aides. Sasso, hired early for his Biden smear-involvement, was brought back when the Estrich plan went nowhere. But the Duke allowed the battle between Estrich/Harvard/Intellectualism and Sasso/populism to continue, without really settling the matter.

Third, the combination of all of these led to such a severe split between an increasingly out-of-touch Boston headquartereds and the Duke’s field organization that state organizations were refusing even to run TV ads placed by HQ, instead creating and running their own versions.

Finally—I could go on, but why?—Dukakis proved to be an imitator rather than an innovator. First he held himself out as Kennedy (“the Boston-Austin connection” et al) and then he tried Truman whistle-stop campaigning in this increasingly televised age. After twenty years in politics, I have yet to see an imitator win.

All this, of course, was in addition to his failure to be clearly for many issues (other than abortion, his most clearly stated point in both debates), his late acceptance of himself as a liberal, and his insistence on bringing up his Massachusetts record so often that one wondered if he realized he was running for President instead of Governor. For that matter, it’s hard to run for a top office when one already holds another office: periodically, the Duke had to fly back to Boston to handle state business when he should have been going full-time in the national campaign.

But the top-down platform really put him out of touch—and George Bush put him out of reach as well.

NOTICE:

Next Thursday, the 17th of November, is the last newspaper deadline this semester. The Law Weekly will issue again in January.
To the Editor:

I'm afraid Ask Andy bothed the answer to the person pondering the origin of Washington's infamous traffic circles. As a scholar more committed to historical trivia than jurisprudence, I will help shed some light on this interesting topic. Perhaps the editorial pages can take a respite from LAGA-bashing and Vecchiom-bashing to make room for a more lighthearted topic.

It is only folklore that Washington's circles were originally intended for defense against invaders, British invaders in particular. Though a cannon could have been placed in the middle of a circle and fired in any direction, there is little evidence to support this theory. Closer to the truth, the circles had their origins in the aesthetic inclinations of choice to design the nation's capital, L'Enfant, undeniably brilliant, drew up formal plans for the nation's capital, but his arrogance was abrasive to the locals thought him mad. They were unable to envision a plan catering for streets and avenues more than 100 feet wide through the empty, swampy fields. Following an incident where L'Enfant destroyed a prominent citizen's home through no apparent authority other than the fact it stood in the path of one of his grand avenues, (where was Prof. Chusid?), L'Enfant's vision survived; Andrew ELLlott was hired to survey and transcribe L'Enfant's plan, which he did with minor changes and omissions necessitated by the topography.

When he sat down to sketch out the federal city, L'Enfant laid avenues, many of them radiating from the site of the Capitol, over a grid pattern of streets. If two avenues intersected at the same point as two streets, traffic would feed in from eight directions. These complicated intersections gave rise to the numerous circles, squares, and plazas in Washington. As stated in Observation III of the L'Enfant-Endicott plan of 1792: "North and South lines, intersected by others running due East and West, make the distribution of the City into Streets, Squares, etc., and those lines have been so combined as to meet at certain points with those divergent avenues, so as to form on these spaces... the different Squares or Arases..."

According to architect J.L. Tiffany Jennings, these open spaces were central to L'Enfant's plan. The streets and avenues were meant to bring you to the intersections, not the other way around. Indeed, L'Enfant intended that they be enclosed architectural spaces, such as the Plaza Mayor in Madrid.

As the L'Enfant plan reveals, certain circles and squares were designated to the states for "Statutes, Columns, Obelisks, or other Ornaments, such as the different States may choose to erect to perpetuate the memory of such individuals, whose consuls, or military achievements, were conspicuous in giving liberty and independence to this country..." Other areas were intended to be the location of grand fountains and historic monuments, and others were left unnamed, perhaps in anticipation of additional states. This component of the L'Enfant plan was never realized, and instead the numerous open spaces of the city became numbered public Reservations and Appropriations under Congresional jurisdiction. No section was to be dedicated to any of these spaces for many generations; funds were not available to the young republic for any such grand plans. Further, since many of these spaces were located in undeveloped regions of the city, they remained nameless. For example, until 1873, Du Pont Circle was known simply as "the circle at Massachusetts and Connecticut Avenues" or, according to records, reservation 60. It was informally dubbed "Pacific Circle" by local residents in 1973 until Congress officially named it Du Pont Circle in 1884.

The end of the Civil War was a turning point for Washington. Pigs roamed the streets as late as the Civil War, and there was still talk of moving the capital to another city. Early visitors described Washington as a city of streets without houses. Charles Dickens later wrote, "Washington consists of spacious avenues that begin in nothing and lead nowhere." L'Enfant's open spaces were in terrible condition after the war since they had been used as camps for soldiers guarding the city. This changed after the war's end when Alexander "Boss" Shepherd began to implement the original plan with a tyrannical zeal that would have pleased L'Enfant. Miles of streets were finally paved, and gas lights, silewalks, and sewers were installed. At the same time, the circles and squares were developed and neighborhoods sprouted up around them. Cronyism played a central role in the naming of the various circles. Close associates of the Grant administration, such as Gen. James McPherson, received preference. In a congress dominated by northern Republican abolitionists, prominent Civil War figures found quick acceptance. This goes a long way to explain the rather unbalanced presence of so many circles and squares named for so many great Civil War military figures.

While the circles remain, founding Washingtonians on a daily basis, they are more tolerable to the modern day motorist or pedestrian if it is known that they are only a realized vision of a much maligned civic planner from nine-score and 16 years ago.

Paul Sweldun 3rd Year, Evening

(Ask Andy was taken in by this folklore and thanks Mr. Sweldun for his detailed and enlightening letter. Ask Andy says he learned this in the 11th grade American history, maybe this is why the Brits razed the White House.)

Georgetown Law Weekly

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QUOTE OF THE WEEK:

—Compiled by FURMIN D. SESSEMS

By FURMIN D. SESSEMS

What if black folks really decide to get it together
Utilize all of our genius abilities and talents
Exercise our Black Power and for once—stopped half steppin'
Unite together and follow in the footsteps of Tubman, Garvey, Malcolm X and other great souls who have gone before us

What if we began to help and support our Black businesses and institutions
Thereby taking 200 billion dollars out of the white market placing it back into our own hands and constructively build up our communities—to the Max—so that Black folks—especially our children Can be proud and walk tall—again...

What if the powers that be did more to end apartheid
And for once Politicians would let their ACTIONS speak as loudly and eloquently as their shallow words...

What if we stopped arguing and bickering over petty issues that won't help us build a great tomorrow
And concentrated more on perfecting ourselves—striving for excellence
Accepting only the very best
Letting nothing and no one stand in our way

Holding on to the vision of a great civilization—a strong and unified Black nation That's destined to come
If we each did our own work now I wonder—what if...

—Angela Kinamore

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By CONRAD J. SMUCKER

No one could help but be amused by the events which transpired during General Sec- retary Gorbachev’s visit to the Siberian city of Krasnoyarsk last month. A “meeting with the people” which was sched- uled outside a grocery store, which, in keeping with a poorly-keep- ing local tradition, was hastily stocked for the General Secretary’s appear- ance. But, as so often happens, the meeting was over before the exchange, so often depicted on Soviet television, did not fol- low. Instead, the residents exploded in anger. “Mikhail Sergeyevich,” one middle-aged man shouted, “This is out- rageous! We have never had goods like this here.”

Encounters such as the one above tend to epitomize the prevailing Western impression of glasnost. At last, we think to ourselves, the Soviet people are finally permitted to openly express themselves in ways which a decade ago were un- thinkable. Indeed, the range of sanctioned events under the banner of glasnost have been extraordinary: urban pro- tests, displays of ethnic (as op- posed to Soviet) pride, the reversion of other restraints, relaxed immigration standards and, as noted above, the Soviet people have even been given a chance to publicly “stick” to their general secretary.

While no one dispute these developments are a good thing for the Soviet Union and the world community, there is a tendency to get all excited about the outer manifestations of glasnost without looking into the underlying reason for all these changes. The danger of this line of thinking is that it pro- vides a false impression of what is actually occurring. Much better is one rooted in an understanding of the true na- ture of glasnost and how it materialized in the mysterious world of Soviet politics. So what explains the emerg- ence of glasnost? Did the Soviet Union finally decide to give a whole new meaning to freedom, or course not. Perhaps the most fundamental thing to remember is that the primary purpose of glasnost is not glasnost. As much as one is inclined to think otherwise, glasnost is not a grass-roots movement that sprang up from the ashes of a failed and dashed Russian hopes. Glasnost is a govern- ment policy, imposed from above, to avoid further conflicts and to move in this direction will undoubtedly lead to inflation. The impact of these policies, some workers have raised the challenge that punitive damage awards in civil suits are a violation of the Excessive Fines Clause of the Eighth Amendment. Mr. Olson made this argument last year before the Supreme Court in Bankers Life and Casualty Co. v. Dren- shaw, 108 S. Ct. 1645 (1988). This case questioned the constitutionality of a Mississippi statute under which a manda- tory penalty of fifteen percent of any money judgement is auto- matically imposed on an unsuccessful appellant irrespec- tive of the merit of the appeal. Mr. Olson also raised the broad- er question of whether dis- proportionate punitive dam- ages awards violate the Eighth Amendment as made applic- able to the states through the Due Process Clause of the Four- teenth Amendment. Although the Supreme Court did not decide the issue at that time, Mr. Olson currently has two petitions for certiorari which address this issue pending be- fore the Court.

In addition to his work at Gib- son, Dunn & Crutcher, Mr. Olson serves as an Assistant Attorney General, Office of Legal Counsel, and Assistant Director, Office of Justice. It was in this capacity that Mr. Olson became the lead attorney for the House Judiciary Committee. This investigation resulted in the Court deci- sion Morrison v. Olson, in which the Court upheld the constitu- tionality of the in- dependent counsel provisions it adopted in 1976. Although Mr. Olson was unsuccessful in this case, he is no longer the target of an independent coun- sel investigation. Subsequent to the decision, Alexia Moni- son, independent counsel, de- cided not to indict Mr. Olson. In addition to his Supreme Court litigation, Mr. Olson is the editor of the recently published Department of Justice Manual, and a member of the A.B.A. Ad- visory Committee on Govern- ment Litigation.

The Federalist Society invites all members of the GULC com- munity to attend the event. Mr. Olson’s talk will be followed by a question and answer session, at which time he will freely answer any questions on any topic of inter- est to the audience. An informal reception will follow. Please join us in Hall 6 at 4:00 p.m.

Ted Olson to Speak Before Federalist Society

By JOANNE SAYEN

Ted Olson, partner-in-charge of the Washington D.C. office of Gibson, Dunn & Crutcher, will speak before the Federalist Society on Wednesday, November 16, at 4:00 p.m. His top- ic will be “Constitutional Chal- lenges to Punitive Damages.” Mr. Olson, a litigator with ex- tensive experience in the field of constitutional law, has raised the challenge that punitive damage awards in civil suits are a violation of the Excessive Fines Clause of the Eighth Amendment. Mr. Olson made this argument last year before the Supreme Court in Bankers Life and Casualty Co. v. Dren- shaw, 108 S. Ct. 1645 (1988). This case questioned the constitutionality of a Mississippi statute under which a manda- tory penalty of fifteen percent of any money judgement is auto- matically imposed on an unsuccessful appellant irrespec- tive of the merit of the appeal. Mr. Olson also raised the broad- er question of whether dis- proportionate punitive dam- ages awards violate the Eighth Amendment as made applic- able to the states through the Due Process Clause of the Four- teenth Amendment. Although the Supreme Court did not decide the issue at that time, Mr. Olson currently has two petitions for certiorari which address this issue pending be-
Internationalizing Commercial Law

Environmental Law Forum, Georgetown University Law Center

Who Can Sue?

Environmental Perspectives welcomes submissions of environmental news and information of interest to the GULC community, current topics of environmental policy, and opinion pieces. Deadline is 4 p.m. Tues. of week preceding Law Weekly; place articles in K. Matthew's folder on first floor.

By KATHLEEN AKELEY

Currently, an interesting standing issue is being argued before the D.C. Circuit Court of Appeals. If the petitioners lose, they will also have lost a long-standing means by which they have repeatedly challenged the EPA. But the issue is split by competing concerns: is it for the Court in this case to respond to environmental protection interests, or to the possibly less easily defined matters of legislative intent and precedent-setting?

The parties suing the EPA are Petro-Chem, Inc., and the Hazardous Waste Treatment Council ("HWTC"). In short-hand, the suit is known as the "St. Mary's Case," in reference to a Michigan hazardous waste site. The cause of action arose under the Resource Conservation and Reclamation Act ("RCRA"); specifically under the sections pertaining to permitting procedures for hazardous waste treatment companies. The St. Mary's klin had not followed proper permitting procedure. When the oversight was discovered no penalties were assessed by the EPA, which determined that there had been "substantial confusion" surrounding the procedure, a defense which is available to violators as long as the situation is promptly rectified. The EPA admitted that the St. Mary's klin was not the only one which had misunderstood the regulations, and felt that it was too unreasonable to characterize the problem as one resulting from "substantial confusion." St. Mary's supplemented the original permit application as needed and continues to operate. However, HWTC brought suit against the EPA, alleging injuries to the members of that trade association. HWTC had sued the EPA before, in fact, in another case pending in the same court at the time of filing ("HWTC"). HWTC was dismissed in early October on the grounds that attended by other nations' generalists, Plunk said, helping the U.S. through its difficult Senate ratification process—"for the Senate usually requires A.B.A. and trade organizations to support Senate con- version of international treaties."

By the 1970s, people realized that these international conventions would not suffice, Plunk said, and in 1980 [UN]CITRAL began in Vienna work on the Convention for the International Sale of Goods (CISG). CISG came into force in 1988, he added; meanwhile, UNCITRAL in Hamburg worked on the Carriage of Goods by Sea Convention, likely to come into force in 1989. Since the 1970s, work also proceeded on int'l leasing, factoring, bills of exchange and promissory notes, and electronic fund transfers. Plunk noted, with UNCTARIL arbitration rules providing the basis for many national arbitration laws. UNCITRAL is also working on an int'l procurement code, he added, and on int'l bank guarantee, letters of credit, counter-trade, and joint venture conventions. Plunk described UNCTARIL success to date: 1) excellent research of small Secretariats, 2) membership's restraint in confining themselves to politically possible problems, and 3) member-states' willingness to compromise for global gains. U.S. specialists give the U.S. early edges in conventions

termine results if goods are shipped without an acceptance, she noted, suggesting lawyers educate clients before—not after—the event.

Troussevin also noted a 4-1 hierarchy in domestic law chosen by parties or by forum court choice of law rules. 2) parties' additional intentions shown in the contract, 3) CISG provisions, and 4) the domestic law of non-CISG states. SUNY-Buffalo professor Andrew Spangola now a visiting GWopposition and US UN- DCITRAL, on Negotiable Instruments and Bills of Ex- change (NBE), said the UN-IDRO (Rome Institute) and UN-CITRAL harmonization prob- lems with US laws and instruments, he noted, UN- CITRAL works the way people think, without a guarantee or guarantor. There is no "quotation" system, merely a voting system against or for a text. NBE, however, is a "question" system, unless it is requested by someone other than the voting system. NBE's development will permit modern forms, and better negotiation.

Environmental Law Forum, Georgetown University Law Center

Who Can Sue?

Environmental Perspectives

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Who Can Sue?
Dear Andy:

You're right—television near the kiosk about it gathers information but everything that shows is months out of date. What gives?

—Video vocation

Dear Vid-Vex:

After extensive research, Ask Andy discovered that that TV is run by the Student Life office. To give them some credit, it didn't have a chance to speak about the accident. It seems to me that there are two problems with that screen.

Firstly, not many employers or students know about it; and secondly, the information is out of date.

For instance, a friend of mine testified that she happened to glance at the screen and it said, "Jane Doe (not her real name) go to Career Planning immediately!" After rushing downstairs, believing they lost her resums or something, it ends up an employer she had an interview with weeks ago had cancelled (which she knew already, of course). This points out the two above mentioned problems of out of date info and student indifference.

What Student Life should do is keep the data up to date. Otherwise the video is totally useless. Also, students should check the screen more often. As one can readily see, this is kind of a vicious circle. The students don't look at it since it is out of date (or they are unaware) and Student Life has no incentive to keep the board current since no one reads it.

Dear Andy:

I have a little dilemma. I've been out with this guy for like a billion years and I have this microscopic crush on this guy in one of my classes. The thing is, he's engaged; if I just kiss him as a homeworker? —Pensive in Potomac

Dear Pensive:

Well, technically you're only a homeworker if he actually breaks off the engagement because of you. A little kiss in and of itself would not classify you as a homeworker without the requisite breaking the engagement. As we know, a little kiss can lead to other paraphernalia activity which the President-Elect would probably frown upon.

But let's look at this question from a Constitutional perspective. As mentioned above, the school constructionalists would not regard your engagement as homeworker with only a simple kiss. However, most of the people who believe in original intent also believe in morality laws, so you'd probably have to wear a scarf that 'A' to be consistent with their beliefs. Those who believe in the intersubjectivity of meaning would put homeworker in perspective of the times. What is a homeworker? They would ask.

In this day and age with divorce rates equaling marriage, facilitating the breaking off of one's engagement probably would not qualify you as a homeworker.

Then, of course, there is the Critical Legal Studies perspective analysis. The Critics would say that the whole institution of marriage (and thus engagement) is just a tool by the wealthy to keep the have-nots in line and to perpetuate inequality. They would look toward the Revisionist school of history to back up their dogma. These leftist thinking lawyers would point at the marriage of Ward and Judy Cleaver and say that June really wasn't a happy homemaker but was represented by her bourgeois imperialistic husband. Viva la revolution!

What this all boils down to is that you wouldn't be a homeworker if you kissed him. Of course the real point of your question may be will you be able to stand it? If you've been going out with this guy for so long and are not engaged, Ask Andy believes you may be unsure about marriage. Could you handle kissing him? Would you be able to get him out of your mind? These are questions that I can't answer. Good luck!

Well folks, it is getting near finals. If that stress gets you down, don't do anything that will block your admission to the Bar; relieve yourself in a socially acceptable manner—Ask Andy! Please put your pithy questions under the Law Weekly door, 1B-7, or in my folder.

Res Ispa Loquitur

By STEVE ADEN

NEW YORK (UPI)—In a surprising announcement, Time magazine named Robert T. Morris, author of the "super-virus" computer program, as its "Man of the Year" for 1988. Morris's virus—a tiny, coded program that spreads computer programs through systems that shut down thousands of computer systems across the country last week, terrifying and confusing millions of those "byte-heads" from coast to coast and underscores society's need to return to the abacus and the typewriter.

According to Time spokesperson Bob Binary, Time's decision to name Morris "Man of the Year" two months early came after the giant publishers' own computer system succumbed to the virus. "The whole darned thing crashed," and we lost most of the articles we'd written through next January's issue," said Binary. "After the initial shock, we all agreed it was probably better all around, since no one's figured out how to run the things anyway. So we dumped the old Smith-Corona out of the closet, and we've been doing fine ever since. Anyway, since the choice for "Man of the Year" is so obvious now, we thought we'd better beat the Nobel Prize people to the punch this time."

Morris himself, National Computer Security Guru Morris said, "We're extremely proud of Morris. 'I couldn't have done it better myself,'" said Morris Sr. "When all that Greek came onto my terminal, I knew it could only be Robert's work. He's finally proved what I've been trying to tell everyone for years—computer security is a real myth. As might well go back to the slide rule."

In the wake of the "Great Crash of '88," a group calling itself "Citizens Rallied Against Computer Literacy" (CRACKLE) has begun gathering on the National Mall in Washington for a week-long vigil aimed at drawing attention to the computer abuse problem. Campaign organizers say signing "Free Robert Morris," "Just Enter 'No':" and "User-friendly is an Oxymoron," members of the group have vowed to pass legislation to declare computer viruses protected "works of art" and to outlaw the spread of anti-virus "vaccine" programs.

Knowledgeable sources say the "super-virus" is likely to cause a problem among the nation's estimated fifty-seven computer users. One exception will be users at Georgetown Law Center, who are too busy trying to find the one printer out of twenty that works to worry about viruses.

CROSSWORD PUZZLE

Johnny Walker is being held hostage by a little-known totalitarian dictatorship.

SBA Approves Graduate Amendment

By MARTIN GROUT

The SBA voted to amend its Constitution last Wednesday, creating four new delegate positions and a Graduate Vice President. The proposal was cosponsored by graduate delegates Carlos Rameh and Nina Haque and SBA Senator Grant Lally, the only graduate student ever elected as an SBA officer.

The first proposed amendment added four graduate delegate positions to the SBA and allowed for a graduate to serve on the Appropriations Committee. The arguments presented in favor of this proposal were that graduate students were grossly underrepresented in the SBA and should proportionally have seven seats. The amendment to the SBA approved this proposal by a vote of 24 to 5.

"I think that this is an important statement by the SBA that graduate studentfed is full members of the student body and need to be involved in the activities of the Law Center," concluded Lally.

The SBA will be filling the newly-created positions at its next meeting. Interested graduate students should send their names on the sign-up sheet on the SBA door.

One accomplishment of the SBA graduate delegation has been to secure an ILM bulletin board on the B-1 level, where any news of interest to graduate students will be posted.

CORRECTION:

In last week's picture survey of The Black Cat Bash, two captions were switched. "Bruno the Anger" should have been beside the band, Dukalis and the 'N-word beside the grinning man.
The UN and OAS: Conflicts of Jurisdiction

By JOE SONNEMAN

Despite occasional contrary U.S. arguments, members of the Organization of American States (OAS) do not really have to exhaust their remedies to dispute there before going to the UN Security Council, Domingo Acevedo—OAS principle Legal Adviser—told a La Alianza-sponsored audience at GULC November 7. Speaking personally, Acevedo related three potential conflicts of jurisdiction between the UN and regional organizations, concentrating on "exhaustion of remedies" arguments.

The UN, formed principally to help its members with peace and security, permits regional organizations under UN Charter Chapter VIII, the GULC LLM Comparative Law Grad said; those organizations must be consistent with UN principles and purposes. These principles Acevedo found best expressed in UN Art. 214 prohibiting the use of force by its counterpart—to solve disputes peacefully.

The existing three regional organizations—the Organization of African Union (OAU), the Arab League [AL], and the OAS—have similar purposes as their primary goal, the Buenos Aires J.D. said, suggesting that three arguments for conflicts of jurisdiction between the UN and the regional organizations were more philosophical than real.

First, some people questioned if regional organizations could legitimately impose sanctions upon a member state without UN Security Council permission, Acevedo said. This question arose when the OAS imposed an embargo against Trujillo's Dominican Republic, the Cambridge Ph.D. recalled; the UN Charter specifically says that regional organizations should not take any enforcement action without Security Council approval. The OAS did it anyway, Acevedo said, later even exclaiming Cuba's "present government" from the OAS.

Secondly, some people wondered if regional agencies could establish peace-keeping forces, Acevedo noted. He called this question "moot," because 1) even the UN Charter nowhere authorizes peace-keeping forces, 2) no State objected to be multi-national force in Lebanon in 1982, and 3) no State objected to Arab League's sending Syria into Lebanon.

The most interesting possible conflict of jurisdiction, Acevedo found to be that of jurisdiction per se; if two members of a regional organization are in conflict, may either of them go directly to the UN Security Council, or must they first exhaust their remedies within their regional organization, such as the OAS?

For example, in 1964 Guate- mala expropriated United Fruit Company lands, he recounted, and the U.S. C.I.A. engaged in a "coverup."—described in Schlesinger's book The Victor: Fruit: Guatemala complained to the Security Council, Acevedo said, and U.S. Amb. Henry Cabot Lodge diplomatically suggested that Guatemala had first to go to the OAS, to which both countries belonged. Guatemala left the OAS too greatly influenced OAS results and went to the UN, he said, where the US vetoed the Security Council resolution! Guatemala received the only limited assistance upon returning to the OAS, he reported.

In the Falklands/Malvinas war, Britain (not an OAS member) went first to the Security Council, Acevedo said, but Argentina went to the OAS, which asserted jurisdiction and adopted Resolution 502, which was inconsistent with UN actions. Even more to the point, when the US went into Grenada, the OAS could have properly asserted jurisdiction, he noted. But the US (considering the Lodge agreement) preferred to go directly to the OAS... perhaps because the OAS was very sensitive to issues involving interventions. (Even so, he reported, the UN General Assembly resolution—which is always only "recommendatory" and of moral force, he said, not mandatory—condemned the US invasion of Grenada.

Still using the exhaustion of remedies argument, the US claimed the Nicaragua had first to go to the OAS, Acevedo said, when that country complained of covert US actions in attempting to invade and overthrow its government.

"What is the proper answer?" Acevedo urged, noting that the OAS Charter calls for States to make every effort to solve "disputes" within the regional organization. But a "dispute" is defined as a conflict on a point of law, he noted, and Nicaragua argued that the US "action" was a physical conflict rather than a legal one.

Given OAS' "asymmetrical" nature—with one superpower with global responsibilities—the US might have received better treatment at the OAS, Acevedo thought, even though it had veto power at the Security Council. "Denuclearization of Nicaraguan harbors, the US compensated Japan and the Netherlands for ships damaged there, he noted, the US implicitly acknowledged liability.

This US liability Nicaragua tried to enforce at the Int'l Court of Justice (ICJ) jurisdiction and 2) that the matter was "not admissible." One US, "admissibility" argument, Acevedo noted, was that Nicaragua was not properly before the court, because Nicaragua had not exhausted its OAS remedies. But he noted, the ICJ decided both that it had jurisdiction and that the matter was admissible.

Acevedo thinks this was a right result, because, under the UN Charter, any member can bring a conflict before members to Security Council's attention. That Poland, for example, could tell the UN about an intra-OAS conflict between the US and Nicaragua, Acevedo suggested, the "exhaustion of remedies" argument would discriminate against OAS members by preventing them from proceeding directly to the ICJ when other UN members could do so.

Overall, Acevedo saw these jurisdictional questions arising only when the East-West conflict was directly or implicitly concerned, a fact—along with OAS asymmetry and the US' global responsibilities—that also explained the absence of such jurisdictional questions from the OAU and the Arab League.

The Week continues with visits to Int'l organization and law firms, with a Saturday panel on Int'l Criminal Law at GW, and with a banquet address by Stephen Schwebel, the U.S. judge on the International Court of Justice.
Love Yer Brain

By JOE ATKINS

"Everywhere I go these days, it seems like I'm always taking notes. It's not enough that I have to write down stuff in class, but I've also been jotting down ideas while driving to and from classes."

"Love Yer Brain" is a collection of songs that Thompson has been working on over the past few years. The album features a mix of acoustic and electric instruments, with Thompson's signature style evident throughout. The album is set to be released on November 1, 2018, and fans are eagerly anticipating its release.

TRIAL BY LANYER

Cindy, what's wrong?
6 call-backs and no offers, that's what's wrong!

Low Grades?
No Extras緆rsume, that's what's wrong!

NO, I JUST CAN'T STAY AT THE INTERVIEW, JOB!

Think you just need a little help?
I'm going to be a lawyer someday!

Good! How does that work?
Give me the job, sucker, or meet my feet!!

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by Eleanor K. Melzer
The p.m. Perspective

BY ROSEMARY HAROLD

Gee, Mom, I got a bad real estate survey. Should
I pledge now or wait to see if the Tri-C will sing?
In other words, I'm happy to report that the Tri-C can'miss interview program with at least one good summer job. I'm the position of my life, bemused, mildly disappointed, somewhat confused and rea-
sonably hopeful that this will all work out.
And I'm older, well, that was already and wiser about the process. Weird as it was, it had its exhilarating moments. See-
ing the payoff at the end of the road is always, well, thrilling to me. It makes me suspect, though, as I've often heard upperclass-
dens say, that once you've seen the bright lights of big-city law, it's tough to go back to your study carrel.
You might think that students who have not yet braved the system should take heart: Being a night student is not an inherent disad-
antage. I fear I would be, decidedly, be as familiar with the jargon as any of the folks in the career services office.
In this case, anyway, it proved not to be so. My second-year night-class-enrolled friend who was blunting the tree with me seemed to have the same luck, generally speaking, as any other student.
This does not mean you won't be asked about it; you will. You may run into the kind of jerk who tormented a friend of mine, demanding to know why a certain student was starting a law career at her age and questioning her devotion to the profes-
sion. A night student at George-
town day-school graduate, un-
fortunately, is treated as the stereo
type some of us have about some of them. (Personally, I think it's their environment.)
Day students are packed into the classrooms during classes that the crush of the iPods
will warily plug a few minds.)

Best Little Whorehouse in Texas

By JOHN VECCHIONE

The Georgetown Gilbert & Sullivan Society returned with a vengeance in 1990 as the Gar-
ry King Musical Best Little Whorehouse in Texas. The sub-
ject matter struck me as a little odd but then I figured the talented G&S crew decided on subject matter based on lawyers could identify with. For those unfamiliar with the epic, a brooding George Sugarman (fall-
ning Bert Reynolds and Dolly Parrott, it tells the story of a husband and wife who run an up-
right madame with the con-
viviance of the local sheriff, and it seems that's about it, except for exposures by an unctuous T. V. reportt

Leah Greenling plays Miss Mona, the proprietor of what is locally known as the "chicken throne." Ms. Greenling lends a credibility to the role often lack-
ning in a musical. Her role as the boisterous ward in Pirates of Penzance displayed a remarkable ability to play women suffering from either a death or severe relief of male atten-
tion. Her "girls" do a fine job playing innocents or graduates of the school of hard knocks. The explosion of sati
and spank our colleagues display in the minor scene leaves of the grey pinnacle in dis

Shelling the show, however, is Professor Peter Wales as Sheriff Ed Earl Dodg. One won-
ers if his expertise in the Crim-
al Law aided in his portrayal of the curiously-triggered, explosive lawyer. His

Frontshoof with David Kram	t as Malhoa F. The show had the audien-
ne in the direction. The perform-
ance is as big as Texas. If Dukakis had picked this Ed Earl he might have carried the state.

David Kram	t as the preconceived Melvin P. Thope also does a brilliant job

Of 30 I've just reached the stage where I don't need academic
kuhoks to validate my self-worth. In
fact, I'd like to just coast through law school and enjoy my classes for the intellec-
tual stimulation alone. (You've got to know -I am getting old.)

Apparently I'm going to have to keep up the facade, however, for a few more semesters.
My lack of law-review or most-court credentials didn't seem to matter, though a few interviewers asked whether I thought I'd make it onto a law journal next semester, when right-students normally are pel-
gible to apply. No one asked about
out most court at all; maybe they figured I was glib enough already.

Now I'm finding off friendly inquir
and gentle lobbying-from the law firms that offered me a job. I'm in lim-
bo, like many others, waiting for several law firms to make up to their corporate minds. I'm truly

with the firm that will actually want me-but why let them get you overconfident?

Unfortunately, at least one firm I'm waiting to hear from has already said something analogous to: "It's too notorious for making students call it for the final word. It is good enough, and famous enough, that it can

I already know my chances at best are a long shot. The firm has a quota system, rarely tak-
ing more than one person from each of the fifteen to twenty schools it visits. I've been en-
couraged to apply for a job there after graduating, whether I get a summer position or not, because it hires more George-
town permanents than they apparently can take as summer associates.

Sorely system, huh? But the
firm did show it had some dis-
criminating taste: Rumor has it that only six Georgetown peo-
ple were invited back for second interviews. And I know three of us started as night stu-
dents last fall.

Kwethers of the World, U-
A: You are giving up yourimage—despite perhaps the offer of all the money in the world—to have the opportunity to vent your spleen about the subversion of legal re-
search and writing program. Does this mean you think it is a

I doubt that. I still intend to write a column about the pro-
gress of the bulun's and faults, and I'd like to hear your opinion. But
me, please, from the ex-
ceptions of having to interview you. If I'd wanted to stay a reporter, I'd be working for a newspaper that paid better than this one.

Just drop a note in my mailbox. I need your comments, and you have to sign it. I would like to know whether you're a day student or night student, however.

Look at it this way—the odds are great that you'll be quoted.

Video Study Aids: First-years who are tired of or otherwise anim-
ated. The Calibration will be held on reviews provided by BAR BRI have another option to help with their con-
stitutional law exams. On Saturday, Nov. 26, C-SPAN is scheduled to air a day of law school study, re-
orders Superior Court Jus-

tice Antonin Scalia.

Other scheduled participants in the dialogue, sponsored by the D.C. Cir-

cuit Court of Appeals, are the Comtan of the Constitution, are future Mary-


Scalia's contribution may prove interesting to anyone with a blighting dissent last term in Morris-

tv.; Oliver, the independent coun-

As of now, the network plans to air the Scallas speech at 7 p.m. that day, but we are not sure what's going on. Perhaps the


tiary negotiations on your part not to check C-SPAN's on-air program-

(continued on p. 11)
Perestroika and Latin America

By JOE SONNEMAN

A Soviet Union concerned with internal economic problems and international upheaval is most likely to remain relatively passive in its Latin American involvements other than arms sales and possible national liberation movement support, Latin American and Soviet expert Cole Blaisder told a Latin American Studies group at GU over lunch November 9.

"The United States has just changed its leaders," Blaisder said, referring to the elections, "but not really its government, nor its policies." In Russia, in contrast, one cannot really say the same. "Perestroika" means both "against" and "to re-build," he explained, adding that this is a "polite term for 'purge.'" Given the Soviet's "perestroika" energy by the old, especially at the top levels, such a change is necessary, Blaisder said: "Gorbachev had to get rid of these people."

The question is: Can Gorbachev survive and enact his program, he continued, especially in the face of Russia's gradual disintegration in people's living standards, and the collapse of the system, which is continuing to erode Gorbachev's popular support.

Blaisder had an "exasperated" concept of Soviet power in Latin America -- a "bogeyman of Congress' Hispanic Division expert continued; special to Latin America -- know that the Soviet economy will not support a Soviet hegemony in Latin America, nor even one in Nicaragua."

For example, the Soviet Foreign Ministry used to have a bottleneck monopoly on foreign trade, Blaisder said; even though perestroika broke that monopoly, there are still no incentives or commissions for Russians to increase trade there, still no incentives for Russians to risk upsetting bureaucratic high-ups with their own initiatives, and still few breakthrough Russian products.

But Blaisder noted that Russia's powerful military has increased arms sales in Latin America.

Blaisder did not see any strong effect of perestroika on Russia's Latin American partners. Cuba's Cuba is a day or two years later in similar movement in Cuba, he noted. Even in Russia, change is coming only slowly until the top levels powers die, he said, because change has to be "based on well-founded criticism... and those at the top don't like criticism."

The costs of Russia's Cuban support -- especially the twenty year interest-free grace period on Cuban debt -- the U.S. now find particularly difficult. Blaisder explained, as they go through their own economic restructuring. He thought the result would be a gradual squeeze on Russian aid to Cuba, rather than any dramatic cut. In fact, he said, the Reagan administration may seek to reduce even some sign that Castro would like to see trade with the U.S. (to avoid any U.S.-USSR "deal").

Even in Nicaragua, where Russia has a lesser investment than in Cuba, Blaisder said the Soviets wanted to cut arms budgets -- because of their desire to create a: "revolution" in the U.S. These Soviet actions limit what they can do without provoking U.S. hostilities, he said, and yet at the same time the Soviets want the Sandinistas to continue in power. The Sandinistas' victory was a defeat for the Nicaraguan Communist Party, Blaisder noted, but Brezhnev quickly moved in to help the Sandinistas and salve something from the loss. The international Communist movement appeared to be in shambles, Blaisder suggested, given that neither Russia's economy nor the Communist Party itself -- even according to its own International Department Chief -- is now a model for the world. "Glansnost" is Gorbachev's weapon of forcing the bureaucracy to change under public awareness, he added, noting that even Gorbachev himself views the current situation as the "world peace comes ahead of world revolution."

Nevertheless, despite their suffering from the economic political problems, Blaisder said that the "resistance" of such political difficulties, 1987, will be motivated to do something about Latin American liberation movements. But, even for a moment, such a reaction was possible, he seemed to him likely to remain relatively cut adrift Russia as it tries to rebuild internally.

First Year Rhythm and Blues

By MARK THOMAS

We all have our own reasons for being here in law school. The reasons are probably as numerous as there are students here at the law school. However, I am sure that the most obvious reason is also the most common -- to obtain a law degree. Those of us who are admitted to law school at Georgetown in good standing is an end that we are all striving towards, but the road to obtaining that degree can be much more endearing than we take time to take advantage of some of the opportunities that are available here at the law school and in the DC area.

There are over a dozen student groups here at the Law Center. The groups are welcome to try their hand at a wide range of extracurricular activities, from working on the yearbook staff to taking part in a play with the Gilbert and Sullivan Society. The Supreme court of the United States is currently in session and students who are 10 minutes walk from the school; a walk well worth the time. I almost regret that a day or two students to somehow find some aspect of the school's activities can provide a welcome diversion to the academic drudgery of the first year schedule (we expect a lot from the Law Center, should we not also expect a lot of ourselves?), I single out the first year class because it seems obvious that the undergraduate classes have conveniently mastered the art of balancing studies and extracurricular activities.

The law school experience is so much more than just the lessons learned from class. In addition to learning the mechanics of basic law, such as being able to recite the elements of negligence verdict from Prosser for example, we as prospective lawyers should also be concerned with learning about human interaction, the legal process, and how the laws that we are learning affect people as a whole. I ask my first year peers to experience law school not merely as a darkened tunnel, where the only light used for guidance is the brilliance of the dollar sign, rather than as a legal concept that can best be appreciated by active participation for the sake of learning.

Don't let your entire first year, or your entire law school experience, be for that matter, a tortuous self-test on how well you can retain all the rules and regulations learned in class. By coming to school here, you have given yourself an outstanding opportunity to learn more about this country and about yourself. Don't sell yourself short!

Get involved! Become active in something here at the school. To get people to know. Because when graduation time comes around, the proper question to ask yourself will not be, "What kind of education has Georgetown Law school given me?", but rather "What kind of education have I given myself...?"

With Catherine the Great's chi-

On The Left

On the Left (cont. from p. 4)

nica

ter, orphans, minorities, political prisoners (though not all), Christians and Jews and those wishing to emigrate, have not benefited from glasnost; they can only hope that groups are far from a majority. In Soviet society the norm is represented by Ligachev, not Gorbachev. The fact that this policy is not supported by a majority of the Soviet people places both Gor-

bachev and glasnost in a precarious position. Unless Gorbachov is able to produce real economic gains, it is likely that both he and glasnost will be pushed out, by hook or by crook. In this respect, one must not place too much stock in Gorbachev's "Kremlin coup" last month which was forced out of office by Ligachev. Gorbachev's was demoted to a lesser role. It is not surprising to say that Kuschev too survived an ouster attempt in 1957; this did not keep him from a modest position in 1964. Gorbachev could suffer a similar fate, or, worse still, become the victim of a program of assassination or a plane "accident" (à la General Zia; as you may know, he has already some practice at this), as has been suggested by a few of the recent months. He has certainly earned his lion's share of political enemies, especially among the party secretaries who have been most active in recent months. He has clearly seen his position as a political entity and party secretaries who have lost their jobs in the last year. In light of all this, if Gorbachev goes, glasnost will go with him.

While we hope this does not happen, it is important that we recognize the possibility of its occurrence. If the reason to avoid than to an excessively quick anti-Soviet bandwagon and the fear of losing its postion in the Cold War (it is not to say that Kuschev too survived an ouster attempt in 1957; this did not keep him from a modest position in 1964. Gorbachev could suffer a similar fate, or, worse still, become the victim of a program of assassination or a plane "accident" (à la General Zia; as you may know, he has already some practice at this), as has been suggested by a few of the recent months. He has certainly earned his lion's share of political enemies, especially among the party secretaries who have lost their jobs in the last year. In light of all this, if Gorbachev goes, glasnost will go with him.

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Supreme Court Preview

By ANDREW KONSTANTARAS and PAUL K. MARTIN

The first opinion issued in a case argued this term, Justice Marshall upheld an Iowa corporate taxing formula that factored in income from gas removed from the Outer Continental Shelf. Iowa assesses corporate taxes on a company's nationwide profits based on the volume of the company's sales in the state. Shell had argued that language in the Outer Continental Shelf Lands Act (OCSLA) prohibited states from including such income in their tax calculations.

In computing its Iowa corporate income taxes for 1973-80, Shell deducted the amount it claimed reflected income derived from offshore drilling. The Iowa Department of Revenue rejected Shell's deduction, and the oil company appealed. After affirmations of the Department of Revenue ruling by a county court and the Iowa Supreme Court, Shell appealed to the U.S. Supreme Court.

Justice Marshall's 12-page opinion stated that the Constitution, based on the language of the background, and history of the OCSLA, intended to prohibit states adjacent to the offshore drilling and production sites from imposing direct taxes on the oil companies. "This prohibition is a far cry from prohibiting a State from taxing income from OCS-derived oil and gas in a constitutionally permissible apportionment scheme," the opinion held.

The court also rejected Shell's State scheme amounted to an intrastate taxation.

Balancing The Scales

By JOAQUINA BORGES and PERRY ENG

The SBA had a busy meeting last Wednesday, November 8, 1988. The House of Delegates enlarged graduate student representation by passing two amendments to the SBA Constitution. There will now be six graduate student delegate positions and a Graduate Student Vice-President. The amendments are aimed at eliminating underrepresentation of graduate student interests, where there are currently only two delegates for some six hundred plus students. Graduate student delegates Nina Hoque, Carlos Rameh, and Secretary Grant Lally were sponsors of the amendments.

The SBA has also received tentative approval for a shuttle bus which will run from GULC to the Capital Centre for Georgetown Basketball games. The suggestion for the shuttle came from Johnine Clark, a 2L, who attended a previous meeting just to watch the SBA in action. The success of her suggestion shows that any student can effectuate positive change in our school and that there is room for all students to be involved with the SBA.

Student input is requested on an issue currently being discussed with the faculty concerning "hush" class attendance policies. Many students have complained about classes where the professor lowers final grades due to absences. They argue that the policy is unfair because a death in the family, sickness, or call-back interviews do not constitute excused absences. The SBA is seeking to eliminate these attendance policies, and in the alternative, having professors give notice of their policies prior to registration.

Frank Connor '1L delegate, is investigating the GULC parking situation to determine if there have been parking stickers issued to persons who are not eligible to have stickers will report his findings at the next SBA meeting on November 30. The SBA has also allocated $100 to each first year and graduate student section for social functions. The Irish Student Club received a $750 allocation for honorary and social events. Joining in the Thanksgiving spirit, the SBA endorsed support for Project Harvest, a local food bank. We are holding a Food Drive until November 23, and would appreciate donations of canned and baked goods.

Finally, the SBA is sponsoring a raffle in support of Nana Akindo, a former SBA President, who recently died of cancer. The GULC administration generously contributed $200 for airplane tickets to fly Nana's family from Ghana just before his death. The money is being raised in a voluntary effort to pay back the administration, and we hope that all students attend.

Tickets are two dollars each, for a chance at many prizes including a weekend vacation in New York, and Ba Review Prep Course. You may purchase tickets from delegates or the SBA office.

The last meeting for the semester will be held on Wednesday, November 30 at 8:00 in the Faculty Lounge. We will be drawing for the raffle prizes as well as discussing many important issues such as class attendance. Please stop by to give us your input.

Project Harvest: Food Drive

The SBA is running a Thanksgiving food drive to benefit needy families. Any donations of canned goods or dried goods are welcome, and donations should be left at the Kiosk on the first floor or outside the SBA office on the B-1 level. SBA Food Drive Chairman Grant Lally stated that "we will accept packaging food until November 23, and any contribution would be welcome. Once again, the SBA delivers.

Basketball season tickets may be picked up at the Student Life Office 18-51 starting Tuesday November 15. Tickets for Hoyas vs. Yugoslavia are also included with the season tickets. Interested students must order by November 18. Forms are available at the Student Life Office.

CLASSIFIEDS

TIRED OF PAYING RENT? SICK OF OTHERS HOUSEMATES: Perhaps it's time to get your own space. I'd like to help you find the right place. As a fellow GULC student, I understand your needs and preferences. Call Ethan Berger, Long & Foster, 364-6168/966-8435. No cost to you since seller pays all fees.


Continued from page 9

Dave Elias plays an ACU affiliated newspaper reporter. He does a good job but given Mr. Elias' views one wonders how much acting was involved. Other notables are Beth White as Doosay Mae, whose unusual dream is to become a prostitute, Darrel Jannides as Mayor and car salesman, and a small but scene-stealing role Mike Maffrey as Scruggs. Displaying one of the best voices in the production is Mary V. Vin- son as housekeeper and part-time vamp Jewel. Scott Ben- son, veteran of Guys and Dut- las, plays an even bigger rogue as the slippery and Nixonesque governor of Texas.

An interesting innovation in this production were Barry Nicklesberg and Kendra Staley who translated the play into sign language for the deaf. They were a welcome addition and fascinating even to those unaccustomed to that language. The music and staging were terrific and it looks like another great performance for GULC1988.
SBA Committee Conducts Textbook Price Survey

By GRANT LALLY

"This Committee recommends that the SBA call for the elimination of all penalty attendance policies..." stated the report of the SBA Attendance Policy Committee. The committee was formed in response to reports that certain faculty members either had docked or threatened to dock students' grades for missed classes. Two examples cited were the attempt last spring by one faculty member to fail three graduating third-year students who had only sporadically attended his classes, and the refusal by another law professor to consider the attending of a memorial service for a dead classmate as an "excused absence."

While some SBA members noted that the ABA has a mandatory attendance policy in its guidelines for law schools, other SBA members noted that the ABA has never endorsed grade penalty policies as an enforcement mechanism. Also raised at the SBA meeting was the possibility that the Law Center could be legally liable if a professor enforced a grade penalty policy without adequate prior notification to registering students or if a grade penalty policy were applied unequally, with only dis-favored students subject to scrutiny and penalty.

The committee's report will be discussed at the next SBA meeting on November 30 at 8:00 P.M. The report's preamble reads:

"Recognizing that the Law Center is a professional school and must recognize the professional and personal needs of its students, recognizing that the student-faculty relationship is a legal, contractual relationship, recognizing that grade penalty policies have nothing to do with "academic freedom", which concerns the content of instruction, not the administrative matters of grading and attendance, recognizing that faculty members do themselves cancel classes without academic, professional, or financial penalty, and recognizing that classroom instruction is but one aspect of the educational process and alone may be more or less valuable to each individual student as a medium of learning..."

The committee reported that "the SBA should call for the elimination of all grade-attendance policies" adding that "if grade-attendance policies are not eliminated, that the following conditions apply:

1. there be prominent notification prior to registration specifically stating all attendance policies and the specific effects that each non-excused missed class will have, upon a student's grades, if any;
2. that "excused absences" should be defined and posted by each faculty member enforcing an attendance policy and should include, at a minimum, religious holidays, deaths in the family or of close friends, serious illnesses in the family, unavoidable business or legal commitments, personal illness, law clinic conflicts, and call-back interviews;
3. that there be an appeals process before a student-faculty committee which affords each law student equal protection and due process;
4. that all attendance policies be applied equally, without favoritism to any student, and be subject to review and control;
5. that grade requirements and attendance policies in large lecture classes are both wasteful of student's time (roll calls) and an imposition upon those students who always attend and want to participate."

The SBA will be voting upon this proposal at its next meeting and welcomes any student interest or commentary at its meeting.

Enroll with your BAR/BRI Reps
Michelle Finger
Karen Gibbs
Dave Harding
Gabriela Jauregui
Kristin Krueger
Tom McCloud
or at the BAR/BRI office.

BAR/BRI
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Novembet 14, 1988 LAW WEEKLY 13

2Ls Speak to 1Ls About Preparing for Law School Exams

Several second year students have agreed to participate in a discussion to share with current first year students exactly what worked for them in preparing for the LSATs. The following discussion should be attended by first year students interested in improving their LSAT scores.

The Inside Scoop on 1Ls and Summer Jobs

All this week the Office of Career Services will lead discussions about career planning and what you should know about summer opportunities. The schedule for these presentations has changed and is as follows:
- Tues., Nov. 15—12:00 p.m. 18-19; 6-2 p.m. 18-19; 7-8:30 p.m. 18-32
- Thurs., Nov. 17—12:00 p.m. 18-32; 6-7:30 p.m. 18-32
- Fri., Nov. 18—11:00 a.m. 18-32; 6-7:30 p.m. 18-32

Resume Writing for 1Ls

On Wed., Nov. 16 the Office of Career Services will conduct a workshop on resume writing for interested 1Ls. This presentation will take place at 3:30 p.m. in Hall 1.

2Ls Speak to 1Ls About Summer Jobs

On Mon., Nov. 21 at 12:15 p.m. second year students will talk with first year students about job opportunities after the first year of law school. Students will discuss where they worked, when and how they obtained those positions and the type of work involved in the program will be held in Room 18-33.

Schwebel noted that the merits phase of cases most often involves extensive litigation on IJC jurisdiction, which respondents typically resist; the phase alone often takes a year.

Although the IJC decided the merits of Nicaragua v. United States in 1986, it saved damages questions to allow parties time to settle, the Judge reported. Since there has been no settlement, he observed, the question of damages—Nicaragua claims some $11-12 billion—is likely to come before the Court in 1989. Nicaragua v. Honduras remains currently on the "jurisdictional phase," he noted, and El Salvador v. Honduras—a boundary dispute growing out of the "soccer war"—is, at the parties' request, moving slowly along a three year track. United States v. Italy, an investment dispute alleging "creeping expropriation," is before a chamber of five IJC judges, acting as the Court and not as the Appellate Tribunal; it will be orally argued in February, 1989. Denmark v. Norway is in the interim stage, but will probably avoid the jurisdictional phase, since both States are unreserved parties to the "optional clause" by which they consent before time to IJC jurisdiction.
Some of the most important things you'll learn in law school aren't in any book.

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